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APPLICATION NO. 07/022,720	FILING DATE 02/12/99	FIRST NAMED INVENTOR FABOLAN	ATTORNEY DOCKET NO. 0104270
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EXAMINER HARBY, D
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ART UNIT 2815	PAPER NUMBER 5
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DATE MAILED:

01/11/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

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# Office Action Summary

Application No.  
09/022,593

Applicant(s)  
Passlack et al.

Examiner  
David B. Hardy

Group Art Unit  
2815



☒ Responsive to communication(s) filed on Nov 5, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-28 is/are pending in the application.

Of the above, claim(s) 20-28 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-4, 7, 8, and 17 is/are rejected.

☒ Claim(s) 5, 6, 9-16, 18, and 19 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2815

Serial Number: 09/022593    Attorney's Docket #: GE04270

Filing Date: 02/12/98

Applicant: Passlack et al.

Examiner: David Hardy

The disclosure is objected to because of the following informalities:

**IN CLAIMS**

In claim 7, line 4 "Sisaid" appears to be a typographical error.

Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7, 8 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Passlack et al. (US 5,597,768).

Passlack et al. disclose in Fig. 2, a FET comprising: a GaAs substrate (31); a 20-50 Å  $\text{Ga}_2\text{O}_3$  gate oxide layer (35); a metal gate electrode (36); source (31) and drain (32) regions; and source (37) and drain (38) electrodes.

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With respect to claims reciting ion implants, note that a "product by process" claim is directed to the product per se, no matter how actually made and that it is the final product per se which must be determined in a "product by process" claim, and not the patentability of the process.

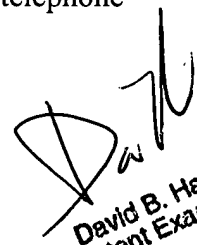
Claims 5, 6, 9-16, 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Papers related to this application may be submitted to Group 2800 by facsimile transmission. Papers should be faxed to Art Unit 2815 via the PTO Fax center located in Crystal Plaza 4-4C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Art Unit 2815 Fax Center number is (703) 308-7722 or -7724. The Art Unit 2815 Fax Center is to be used only for papers related to Group 2800 applications.*

Any inquiry concerning this communication or any earlier communication from the examiner should be directed to **Examiner David Hardy** whose telephone number is (703) 308-4092 and may additionally be contacted by e-mail at **david.hardy@uspto.gov**.

Any inquiry of a general nature or relating to the status of this application should be directed to the **Group 2800 receptionist** whose telephone number is (703) 308-0956.

DBH  
5 January 1999

  
David B. Hardy  
Patent Examiner  
Art Unit 2815